

~~CONFIDENTIAL~~28th July, 1960.COCOM Document 3715.44/9COORDINATING COMMITTEERECORD OF DISCUSSIONONTHE INTERPRETATION OF ITEMS 1544 AND 156025th July 1960

Present: Canada, France, Germany, Italy, Japan, Netherlands, Turkey,
United Kingdom, United States.

References: COCOM Documents Nos. 3715.44/4 - 8 and 3715.60/1.

1. The CHAIRMAN reminded the Committee that almost all delegations had been able to agree to the inclusion of the words "n.e.s." after the words "electronic components" in Item 1560, as proposed by the German and United Kingdom Delegations. He noted that the United States Delegation had been in favour of postponing the matter until the forthcoming List Review, but had been prepared to seek further instructions in view of the fact that the proposal had been supported by most Member Governments. He therefore invited them to make known their further views in this connexion.
2. The UNITED STATES Delegate stated that, pursuant to the wish of the Committee, as recorded in COCOM Document 3715.44/8, the United States authorities had carefully reviewed the discussions of this matter and especially the proposal that the words "n.e.s." be added to Item 1560 following the phrase "electronic components". The Working Group of technical experts itself had recognised the complexity of the problem of developing alternative approaches to the "components control" now established under Item 1560, and had further understood that considerable time might be required to develop proposed alternatives and to resolve differences which might arise. During both the Committee and Working Group discussions, the United States Delegation had pointed out that the temperature tolerances set by the terms of Item 1560 were believed to represent an area of almost exclusively military requirements, and that this definition was intended to provide specific embargo protection to all products rated for or capable of meeting these conditions whether or not these products were also caught on some other basis.
3. The United States authorities saw two general approaches which might satisfactorily resolve the present problem. The first would involve the identification, and specific exclusion by name from Item 1560, of components or classes of components which the Committee agreed were either adequately covered elsewhere or did not need to be covered at all. The second approach would involve converting the present Item 1560 into a series of separate definitions and/or sub-parts of other definitions which would specifically list the components to be embargoed together with their relevant temperature characteristics. Whichever general approach was ultimately adopted, the required complete redefinition would be a complex and time-consuming process. The amount of work required could not feasibly be accomplished before the fall List Review.
4. Some comment might also appropriately be made concerning the meaning of the phrase "n.e.s." as it appeared in the International Lists. As revealed in the discussions reported in COCOM Document 3715.44/8, certain delegates appeared to interpret the proposed insertion of this phrase in Item 1560 as excluding from the coverage of that definition any class of components which were in any manner referred to in any other List definition. Contrary to such

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a usage, "n.e.s." had always been interpreted in the Committee to indicate inclusion in a List definition of every product which met the specifications set forth in that definition and which was not specifically controlled by another List definition (including Atomic Energy List and Munitions List definitions). The purpose of the phrase "n.e.s.", therefore, had historically been to avoid duplicate coverage of controlled items and to simplify administrative controls and reporting; the purpose of this phrase had not been to eliminate accidents of definition of the type raised by the Netherlands Delegation in COCOM Documents 3715.44/4 and 5, and therefore the addition to the present definition of Item 1560 of the phrase "n.e.s." as historically interpreted would not resolve the problem raised in the Netherlands Memoranda. Since these silicon power diodes were not elsewhere specified for embargo, they would not come within the meaning of "n.e.s." and would therefore continue to fall within the coverage of Item 1560, even if that definition contained the phrase "n.e.s.". While the United States authorities agreed that some accidents of definition did occur, they did not believe that by itself the insertion of the phrase "n.e.s." into Item 1560 would eliminate these accidents. Rather, they feared, in view of remarks of other delegates on this question, that this change would serve primarily to alter the meaning of the phrase as historically interpreted.

5. For the foregoing reasons, the United States Delegation were unable to accept the proposed change now under consideration. It was suggested that further definitive discussion of this problem be postponed until the next List Review when the necessary thorough consideration might be given thereto.

6. The CHAIRMAN noted that it was not possible to reach agreement at the present stage, and the COMMITTEE agreed to postpone the matter until the forthcoming List Review in the autumn.

C O N F I D E N T I A L